

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

MARY JONES, et al., )  
vs. )  
Plaintiffs, )  
vs. ) CIVIL ACTION NO. 1:06cv585-WHA  
LAMAR GLOVER, et al. ) (WO)  
Defendants. )

**ORDER**

This cause is before the court on the Plaintiffs' Motion/Application for Entry of Default Judgment (Doc. #27).

The Order entered by this court on November 7, 2006 required that, by November 17, 2006, the Defendants Lamar Glover and Houston County Sheriff's Department file Answers to the Complaint or show cause why they should not be subject to an entry of default. On November 17, 2006, Defendants filed a Motion to Dismiss or in the Alternative for Summary Judgment (Doc. #24), which seeks dismissal of the Plaintiffs' claims under Fed. R. Civ. Pro. 12(b)(6) for failure to state a claim upon which relief can be granted. The court finds that the Motion to Dismiss or in the Alternative for Summary Judgment, while not an Answer, was not filed for the purpose of delay and is sufficient to comply with the November 7, 2006 Order. Accordingly, an entry of default is inappropriate at this time.

Therefore, it is hereby ORDERED that the Motion/Application for Entry of Default Judgment (Doc. #27) is DENIED.

DONE this 8th day of December, 2006.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE